IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21319 of 2004

Between:

1 Jaladi Satyavathi, W/o. (L) Venkataratnam, Female, Hindu, Ramasingavaram, H/o. I.S. Jaganadhapuram, Bhimadole Mandal, West Godavari District.
2 Kalasani Lakshmaiah, S/o. Krishna Swamy, Male, Hindu, Ramasingavaram, H/o. I.S. Jaganadhapuram, Bhimadole Mandal, West Godavari District.
3 Kalasani Brahmaiah, S/o. (L), Venkanna, Male, Hindu, Ramasingavaram, H/o. I.S. Jaganadhapuram, Bhimadole Mandal, West Godavari District.
4 Kalasani Subba Rao, S/o. (L), Venkanna, Male, Hindu, Ramasingavaram, H/o. I.S. Jaganadhapuram, Bhimadole Mandal, West Godavari District.
5 Kalasani Nageswara Rao, S/o. (L), Venkanna, Male, Hindu, Ramasingavaram, H/o. I.S. Jaganadhapuram, Bhimadole Mandal, West Godavari District.
6 Kalasani Krishna Swamy, S/o. (L), Venkanna, Male, Hindu, Ramasingavaram, H/o. I.S. Jaganadhapuram, Bhimadole Mandal, West Godavari District.

..... PETITIONERS

AND

1 The Mandal Revenue Officer, Bheemadolu, West Godavari District.
2 The Divisional Forest Officer, Eluru, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned orders passed by the Settlement Officer,

Visakhapatnam in S.R. 63(1) 1/86 WG, S.R.63(a) 9/86 WG, S.R. 63 (a) 10/86 W.G., dated 28-08-1989 respectively, the orders passed by the Special Commissioner Director of Settlements, A.P., Hyderabad in R.P.No. 693/2000, 694/2000 and 695/2000 dated 21-2-2000 respectively, the orders passed by the Chief Commissioner of Land Administration, A.P., Hyderabad in R.P.Nos. P2/695/2000, P2/693/2000 and P2/694/2000 dated 7-11-2003 respectively as illegal, arbitrary capricious, unwarranted and unjust and violative of principles of natural justice, Article 21 and Article 300 A of Constitution of India and consequently set-aside the said orders and remand the matters to the Settlement Officer, Visakhapatnam with a direction to him to conduct enquiry and pass orders on merits regarding the claims for issuance of ryotvari pattas to the petitioners under Sec.11(a) of the Estates Abolition Act for the lands situated in R.S.No.74 of Ramasingavaram, H/o. I.S. Jaganadhapuram, Bhimadole Mandal, West Godavari District.

For the Petitioners: SMT.N.(P).ANJANA DEVI, Advocate.

For the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Challenging the orders passed by the Chief Commissioner of Land Administration, A.P., Hyderabad in R.P. Nos.P2/695/2000, P2/693/2000 and P2/694/2000, dated 07-11-2003, confirming the orders, dated
21-2-2000, of the Special Commissioner and Director of Settlements, A.P., Hyderabad, who confirmed the orders passed by the Settlement Officer, Visakhapatnam, dated 28-8-1989 dismissing the petitions filed by the petitioners 1 and 2 and father of petitioners 3 to 6 herein under Section 63(a) of the Estates Abolition Act, 1948 (for short 'the Act') for issue of Ryotvari pattas, the present writ petition is filed.

The petitioners state that they own agricultural lands along with other agriculturists

in R.S. No.74 of Ramasingavaram village, and all of them made applications to the Settlement Officer, Visakhapatnam under Section 63(a) read with Section 11(a) of the Act for declaring their lands as agricultural lands and for issuing ryotvari pattas in their favour, and the said applications were dismissed by order dated 28-8-1989, on the ground that similar applications were dismissed by the Settlement Officer, Eluru in view of the orders of this Court in W.P. No.7122 of 1988 and batch. It is stated that the orders in W.P. No.7122 of 1988 and batch were set aside by this Court in W.A. No.489 of 1990 and batch, dated 22-04-1996, giving liberty to the parties therein to approach the Settlement Officer for getting ryotvari pattas under the Act. The petitioners state that the revisions filed by eight persons, who are similarly placed as that of the petitioners, before the Special Commissioner and Director of Settlements, A.P., Hyderabad, were allowed by order dated 14-11-1998 remanding the matters to the Settlement Officer for fresh enquiry in pursuance of the orders of this Court in the above writ appeals. But, it is stated, the revisions filed by the petitioners herein belatedly were dismissed by the Special Commissioner and Director of Settlements, A.P., Hyderabad by order dated 21-2-2000 in R.P. Nos.693 to 695 of 2000 basing on the orders of this Court in the W.P. No.7122 of 1988 and batch and also on the ground of delay, and they were also confirmed by the impugned order passed in the further revisions filed by the petitioners before the Chief Commissioner of Land Administration, A.P., Hyderabad. The petitioners state that inasmuch as the impugned orders are bereft of reasons, they are liable to be set aside, and more so when their case is covered by the order of this Court in the above writ appeals. Hence, the writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue. I have perused the impugned order.

This writ petition, for non-joinder of necessary parties, is liable to be dismissed, for the Settlement Officer, Visakhapatnam, the Special Commissioner and Director of Settlements, A.P., Hyderabad, and the Chief Commissioner of Land Administration, A.P., Hyderabad, whose orders the petitioners seek to challenge in this writ petition are not made party-respondents.

Be that as it may, from a reading of the impugned order, it reveals that since similar claims were rejected by this Court in W.P. No.7122 of 1988 and batch, and the land in question was included in the forest notification as held by the lower authorities, the claims made by the petitioners were rejected. It also reveals that

since the petitioners failed to explain properly the inordinate delay of more than nine years in filing the revisions before the Special Commissioner and Director of Settlements, the revisions filed by them were dismissed. No reason has been explained even in the writ petition as to why they approached the Director of Settlements belatedly. Though the petitioners stated that this Court in W.A. Nos. 489 of 1990 and batch gave liberty to the parties therein to approach the Settlement Officer for getting ryotvari pattas under the Act, they have not produced the said order. It is not known whether the case of the petitioners is similarly placed as that of the appellants in the above writ appeals, and it is also not known whether the petitioners brought the fact of the judgment in the writ appeals to the notice of the Special Commissioner and Director of Settlements. Be that as it may, the petitioners having failed to explain the inordinate delay of more than nine years in filing the revisions before the Special Commissioner and Director of Settlements, the same were rightly dismissed, which were confirmed by the Chief Commissioner of Land Administration, A.P., Hyderabad under the impugned order.

For the foregoing reasons, I see no error in the impugned order, requiring interference of this Court in exercise of jurisdiction under Article 226 of the Constitution of India.

Accordingly, the writ petition is dismissed at the stage of admission. No costs.

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N.V. RAMANA, J

Date: 22-11-2004

Svv

To

1 The Mandal Revenue Officer, Bheemadolu, West Godavari District.

2 The Divisional Forest Officer, Eluru, West Godavari District.

3 Two CCs. to the Government Pleader for Revenue, High Court Buildings, A.P., Hyderabad.

4 Two CD copies.